

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:23-CV-00776-FDW-SCR**

MIYOUNG K. DEMPSEY,

Plaintiff,

v.

SITE CENTERS,

Defendant.

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ORDER

THIS MATTER is before the Court sua sponte concerning Plaintiff's failure to respond to the Order to Show Cause why this Court has jurisdiction over this lawsuit and why this action should not be dismissed for lack of subject matter jurisdiction. (Doc. No. 7.) In that Order to Show Cause, the Court cautioned Plaintiff that failure to establish subject matter jurisdiction could result in the dismissal of the Complaint. Plaintiff failed to respond to the Show Cause Order by June 17, 2024, as directed by the Court.

For the reasons stated in the Show Cause Order, the Court concludes it lacks subject matter jurisdiction over Plaintiff's claims as stated in the Complaint. Accordingly, this case is DISMISSED WITHOUT 'REJUDICE and WITH LEAVE TO AMEND. See Ali v. Hogan, 26 F.4th 587, 600 (4th Cir. 2022) (explaining that dismissals for lack of subject matter jurisdiction must be without prejudice); Britt v. DeJoy, 45 F.4th 790 (4th Cir. 2022) (en banc).


Plaintiff, who is proceeding pro se, may continue pursuing the claims in federal court by filing an Amended Complaint no later than July 12, 2024, and fully setting forth the claims, the facts upon which those claims and damages are based, and the basis for the Court's subject matter jurisdiction. Plaintiff's Amended Complaint must include the instant case number and follow all

applicable rules including the Court's local rules and the Federal Rules of Civil Procedure, including for service upon any named Defendants. The Amended Complaint must be complete in and of itself because it will supersede the original Complaint. See Young v. City of Mt. Ranier, 238 F.3d 567 (4th Cir. 2001). Plaintiff may not amend the Complaint "piecemeal" by simply adding on to what has already been alleged in prior filings. This Order is without prejudice and intended to allow Plaintiff to pursue claims in a State court action, if appropriate.

IT IS THEREFORE ORDERED that Plaintiff's Complaint is DISMISSED WITHOUT PREJUDICE and WITH LEAVE TO AMEND. Plaintiff may file an Amended Complaint no later than July 12, 2024. If Plaintiff files an Amended Complaint by July 12, 2024, the Clerk SHALL reopen the case.

IT IS SO ORDERED.

Signed: June 25, 2024


Frank D. Whitney
United States District Judge

